THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.19992 OF 1995

DATED: 23-01-2007

Between:

Basani Nancy Lakshmi Bai

.. Petitioner

and

The District Educational Officer, East Godavari District, Kakinada and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.19992 OF 1995

ORDER:

This writ petition is filed seeking a mandamus directing the 1st respondent to consider recognition of the petitioner as Correspondent of CBM Jubilee Girls High School, Kakinada in pursuance of the resolution of the 2nd respondent dated 23.03.1995 appointing the petitioner as Correspondent.

It appears, the petitioner was promoted and appointed as Head Mistress of the CBM Jubilee Girls High School, Kakinada by Convention of Baptist Churches of Northern Circars Society (for short 'CBCNC Society'). Later the Board of Allocations, by its resolution dated 23.03.1995, appointed the petitioner as Correspondent of CBM Jubilee Girls High School, Kakinada and intimated the same to the 1st respondent. While so, the 3rd respondent claiming herself to be appointed by the 4th respondent, who, in turn, claimed himself as Convenor of Education Committee of CBCNC, filed W.P.No.1270 of 1995 for issue of a writ directing the 1st respondent to consider her as the Correspondent of CBM Jubilee Girls High School. In that writ petition, the 2nd respondent herein was not added as a party. The 4th respondent has no authority to appoint the 3rd respondent as Correspondent of the School. In fact, O.S.No.114 of 1985 on the file of Sub Court, Visakhapatnam was filed by the 2nd respondent against the 4th respondent

and others restraining them from making false representations in any Court by styling themselves as duly elected office bearers of the 2nd respondent herein and an interim injunction was granted in I.A.No.248 of 1985 in the said suit on 12.04.1985 and the same is still in force. While so, the alleged appointment of the 3rd respondent as Correspondent by the 4th respondent who is not an office bearer of the 2nd respondent is illegal and without any authority. The petitioner was appointed as Correspondent by the 2nd respondent, by his proceedings dated 22.03.1995, who alone is the proper and competent authority to appoint a Correspondent. There is no such office as Convenor of Education Committee under the constitution of the 2nd respondent and hence the 4th respondent has no authority whatsoever to appoint or authorize the 3rd respondent as Correspondent. Hence, this writ petition.

A detailed counter-affidavit has been filed on behalf the 1st respondent wherein it is stated that the 4th respondent requested the 1st respondent, in his letter dated 07-02-1995, for approval of the 3rd respondent as Correspondent of CBM Jubilee Girls High School, Kakinada duly enclosing a copy of appointment order given by him appointing the 3rd respondent as Correspondent and a copy of the order dated 27.01.1995 passed by this Court in W.P.No.1270 of 1995 wherein it was ordered that the representation of the 3rd respondent dated 03-10-1994 be considered and dispose of within three weeks.

Thereafter, the 3rd respondent was appointed as Correspondent of the said school on 20-07-1993. The appointment of 3rd respondent has been approved by the District Educational Officer, East Godavari District, Kakinada, by his proceedings in Rc.No.22-A3/95 dated 12-04-1995, keeping in view the orders issued by this Court in W.P.No.1270 of 1995 and also as per the instructions issued by the Director of School Education, A.P., Hyderabad in his proceedings in Rc.No.865/D1-1/95 dated 04-04-1995. As such the action of the 1st respondent is in accordance with the rules. Therefore, the allegations made by the petitioner are not tenable and the writ petition is liable to be dismissed.

While that being so, on 18-12-1995, this Court passed interim orders directing the Correspondent (3rd respondent) not to make any future appointments until further orders of the Court and in case of any emergency warranting any such appointment, the Correspondent (3rd respondent) may do so with the permission of the Court. Thereafter, the said order was also modified permitting the 3rd respondent-Correspondent to make appointments as per rules. Thus, there was no direction that the petitioner should be continued in service as a Correspondent. It was the 3rd respondent who continued as a Correspondent.

In view of the above, nothing survives in this writ petition for adjudication as of now and the petition has become infructuous.

Therefore, the writ petition is dismissed as

infructuous. There shall be no order as to costs.

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C.V. RAMULU, J

23rd January 2007.
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